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AGENDA

TEXAS TRANSPORTATION COMMISSION

**700 Convention Center Boulevard
McAllen, Texas 78501**

**THURSDAY
September 26, 2013**

9:00 A.M. CONVENE MEETING

1. Safety Briefing

Staff will provide general safety instruction.

2. Approval of Minutes of the August 29, 2013, meeting of the Texas Transportation Commission

Receive comments from area public officials, community and civic leaders, and private citizens. Report by the District.

3. Discussion Items

- a. Update on Interstate Program Initiatives in South Texas - Presentation on the status of interstate program initiatives related to I-69E/US-77, I-69C/US 281, and I-2/US 83. Discussion will include route designation, on-going project development activities and planning efforts
- b. Update on SB 466 and National Environment Policy Act (NEPA) Delegation Presentation on the passage of Senate Bill 466 and on-going coordination between the Federal Highway Administration and the Texas Department of Transportation (department) on the assignment of NEPA responsibilities to the department

4. Aviation

Various Counties - Award federal and state grant funding for airport improvement projects at various locations ([MO](#))

Federal law authorizes the award of federal funding to preserve and improve the state's general aviation system. State law authorizes the award of state funding for capital improvement projects. The airports listed in Exhibit A are eligible for award of these grant funds and the department seeks approval of the awards.

5. **Texas Mobility Fund**
Various Counties - Lone Star Rail District - Consider granting approval of a request from Lone Star Rail District in the amount of \$2 million for environmental and development studies relating to the provision of passenger rail services with funding from the proceeds of Texas Mobility Fund general obligation bonds issued under Transportation Code, Chapter 201, Subchapter M ([MO](#))
This minute order will provide funds for an award to the Lone Star Rail District for environmental work and development studies for a project to relocate existing rail freight to a new location in order to provide passenger rail service for communities from Georgetown to San Antonio on existing freight rail lines in the I-35 corridor.
6. **Transportation Planning**
Starr County - Designate State Loop 195 along a new location near Rio Grande City ([MO](#))
This minute order designates State Loop 195 along a new location from the intersection of Loma Blanca Road and US 83 to FM 755, approximately 2.5 miles northeast of Rio Grande City, a distance of approximately 17.4 miles.
7. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
 - a. **Final Adoption**
 - (1) **Chapter 9 - Contract and Grant Management ([MO](#))**
Amendments to §§9.31 - 9.34, Repeal of §§9.36-9.40, and New §§9.36-9.42 (Contracting for Architectural, Engineering, and Surveying Services)
These amendments are necessary to update and streamline agency rules describing agency operations and for clarity and logical presentation. The new section provides for a new contracting process allowing the executive director to execute an engineering, architecture, or surveying contract when certain circumstances are present.
 - b. **Proposed Adoption**
 - (1) **Chapter 28 - Maintenance ([MO](#))**
New §§28.100-28.107 (Hidalgo County Regional Mobility Authority)
These new sections provide the authority for the Hidalgo County Regional Mobility Authority (authority) to issue permits for the operation of oversize and overweight vehicles on specific roads within Hidalgo County. The sections also establish the guidelines for the agreement between the authority and the department and the requirements the authority must follow to issue the permits.
8. **Office of Compliance and Ethics**
Office of Compliance and Ethics Report
State law requires the commission to establish a compliance program, which must include a compliance office to oversee the program. The compliance office is responsible for acting to prevent and detect serious breaches of department policy, fraud, waste, and abuse of office, including any acts of criminal conduct within the department. The compliance office is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.

9. **Design-Build Agreements**

Various Counties - Authorize the department to issue a request for proposals for the design and construction of the Energy Sector Roadway Repair Project, comprised of improvements to identified roadways in the Corpus Christi, Yoakum, Laredo, and San Antonio Districts of the department, and approve a stipulated amount as payment for the work product of unsuccessful proposers (MO)

On July 25, 2013 in Minute Order 113648, the commission authorized the department to issue a request for qualifications for the project. This minute order continues the procurement process by authorizing the issuance of a request for proposals for the project, and approves a stipulated amount for the payment of work product of responsive, unsuccessful proposers.

10. **Toll Roads**

Dallas and Tarrant Counties - Designate the I-30 Managed Lanes Project from west of North Fielder Road in Tarrant County to Sylvan Avenue in Dallas County as a toll project on the state highway system (MO)

The Texas Department of Transportation received final environmental clearance from the Federal Highway Administration on December 15, 2006. This minute order designates I-30 Managed Lanes Project from west of North Fielder Road in Tarrant County to Sylvan Avenue in Dallas County as a toll project on the state highway system.

11. **Traffic Operations**

Travis County - Authorize temporary one-way or reversible operations on FM 973 (MO)

Authorize temporary one-way or reversible operations on FM 973 between SH 71 and FM 812 for the Circuit of The Americas (COTA) events for the next four (4) years.

12. **Contracts**

Award or reject contracts for maintenance, highway and building construction

These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts. The department may reschedule receipt of bids for those projects where the commission rejects all bids. Those bids accepted by the commission will result in conditional contract awards to the low bidders. Contract award conditions may involve securing funding from other sources, the contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as outlined in the project bid proposal.

(a) **Highway Maintenance and Department Building Construction**

(see attached itemized list) (MO)

(b) **Highway and Transportation Enhancement Building Construction**

(see attached itemized list) (MO)

13. **Eminent Domain Proceedings**

Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached list) (MO)

Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18 (82nd Legislature), to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list.

14. **Routine Minute Orders**

a. **Donations to the Department**

Various Districts - Consider the acceptance of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner's land (See attached itemized list) ([MO](#))

The donations will ensure the safety of the traveling public.

b. **Right of Way Dispositions and Donations**

(1) **Brazoria County** - SH 288 from Harris County line to SH 332 in Lake Jackson - Consider the acceptance of a donation of land for a highway improvement project ([MO](#)) ([MO](#))

The property being donated to the department is necessary for construction of a right turn lane on SH 288. The property being donated is in lieu of payment for the acquisition and is valued at more than \$500.

(2) **Fort Bend County** - FM 1463 from 0.009 miles north of Fry Road to Langham Road - Consider the acceptance of a donation of land for a highway improvement project ([MO](#))

The property being donated to the department is necessary for the construction of a right turn land on FM 1463. The property being donated is in lieu of payment for the acquisition and is valued at more than \$500.

(3) **Liberty County** - FM 1413, old alignment at SH 146 - Consider the removal from the system, designation on a new location, release of a surplus right of way easement and waiver of the service fee ([MO](#))

Realignment of FM 1413 has been completed, and the district recommends removal of the old alignment and designation of the new segment on system. The district also recommends the release of a surplus easement on the old alignment to honor a reversionary clause and that the service fee be waived.

(4) **Potter County** - SL 335 south of I-40 in Amarillo - Consider the exchange of drainage easements and acceptance of a donation to the state ([MO](#))

The fee owner of the property has requested the department to realign an existing drainage easement to facilitate development of the property and has granted a new easement to the state. The district has determined that a portion of the existing drainage easement is no longer needed for highway purposes, and it may be released to the owner of the property. The owner has agreed to donate the difference in value to the state.

c. **Release of Access**

Tarrant County - I-35W, southbound frontage road, north of Basswood Blvd in Fort Worth - Consider the designation of a location on the highway at which access will be permitted to the abutting property ([MO](#))

The designation of a 40-foot break in the control-of-access line will allow the abutting landowner to open a proposed driveway location for access to and from the southbound frontage road. The district has determined that access may be permitted at the designated location.

14. **Routine Minute Orders (continued)**

d. **Redesignation of Access Control**

Travis County - Authorize the redesignation of access control along US 290, approximately 600 feet west of the SH 130 intersection, for the properties owned by BFI Waste Systems of North America, LLC, to move the access point from its original location to a new location ([MO](#))

US 290 is a controlled access facility and BFI Waste Systems of North America, LLC is requesting that its properties' existing point of access to US 290 be relocated from the existing location. The original access point will be removed and access will be denied at that location.

e. **Transportation Planning**

Various Counties - Certify eligible counties for the 2014 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities ([MO](#))

This minute order certifies the counties to participate in the Economically Disadvantaged Counties Program for Fiscal Year 2014 and sets forth the local match adjustment for each county and certain cities participating in the program. State law requires the commission to annually certify economically disadvantaged counties as soon as possible after the comptroller reports on the relevant economic indicators.

f. **Reports**

Travis and Williamson Counties - Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (CTTS) ([MO](#))

Report of actual traffic and revenue for the CTTS as of August 31, 2013, as required by the CTTS Indenture of Trust.

g. **Speed Zones**

Various Counties - Establish or alter regulatory and construction speed zones on various sections of highways in the state ([MO](#))

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

15. **Executive Session** Pursuant to Government Code, Chapter 551

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

ADJOURN

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NOTE:

Enumerated agenda items are assigned numbers for ease of reference only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action. Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Kristen Webb at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-936-0942.

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TEXAS TRANSPORTATION COMMISSION MEETING
ATTACHED LISTS
September 26, 2013

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
BMT	HARDIN	US 69	RMC - 625514001
BMT	JEFFERSON	SP 380	RMC - 625733001
CHS	DONLEY	FM 2362	RMC - 625930001
CHS	HALL	SH 86	RMC - 625975001
CRP	NUECES	SH 361	RMC - 626196001
DAL	DENTON	IH 35W	RMC - 625955001
FTW	HOOD	SH 144	RMC - 626251001
FTW	PALO PINTO	IH 20	RMC - 626024001
FTW	TARRANT	IH 35W	RMC - 626097001
FTW	TARRANT	IH 820	RMC - 626052001
FTW	WISE	FM 51	RMC - 623173001
HOU	HARRIS	LP 8	RMC - 625883001
HOU	MONTGOMERY	US 59	RMC - 624966001
PHR	HIDALGO	US 83	BPM - 625380001
SAT	BEXAR	IH 10	RMC - 626252001
TYL	GREGG	US 80	RMC - 625460001
WAC	MCLENNAN	IH 35	RMC - 626246001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	FISHER	CR	BR 2011(764)
ABL	KENT	FM 1081	STP 2014(002)
ABL	TAYLOR	LP 322	C 2398-1-47
ABL	TAYLOR	US 83	C 34-1-124
AMA	POTTER	VA	STP 2014(003)

(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION CONTRACTS - STATE LET

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AMA	RANDALL	PR 5	C 534-1-19
ATL	HARRISON	CR	BR 1102(471)
ATL	HARRISON	IH 20	IM 0207(072)
ATL	MARION	CR	BR 2002(373)
ATL	TITUS	US 271	STP 2014(031)
AUS	BASTROP	FM 535	STP 2014(014)HES
AUS	LLANO	SH 71	STP 2013(928)
AUS	TRAVIS	VA	NH 2014(015)
BRY	FREESTONE	IH 45	IM 0452(143)
BRY	GRIMES	SH 6	STP 1302(048)SB
BRY	WALKER	SH 75	STP 2014(027)
CHS	WHEELER	US 83	STP 2014(004)
CRP	LIVE OAK	SH 72	STP 2013(750)
DAL	COLLIN	FM 1138	STP 2014(006)HES
DAL	DALLAS	IH 20	CM 2013(987)
DAL	DENTON	FM 423	C 1315-2-9
ELP	HUDSPETH	IH 10	IM 0101(266)
FTW	JOHNSON	FM 2331	STP 2014(007)HES
FTW	JOHNSON	US 67	NH 2014(045)
FTW	JOHNSON	US 67	NH 2013(835)
HOU	BRAZORIA	SH 35	STP 2014(029)
HOU	GALVESTON	FM 517	STP 2014(035)HES
HOU	GALVESTON	SH 146	STP 2014(032)HES
HOU	GALVESTON	VA	C 912-73-189
HOU	HARRIS	IH 10	IM 0107(442)
LRD	VAL VERDE	SL 79	STP 2013(939)
LBB	BAILEY	US 84	NH 2014(008)
LBB	CASTRO	FM 145	STP 2014(009)
LBB	LUBBOCK	SH 114	NH 2013(838)

(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION CONTRACTS - STATE LET

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
LFK	HOUSTON	US 287	STP 2014(025)HES
LFK	POLK	US 59	STP 2014(028)HES
LFK	POLK	US 59	NH 2013(915)
PAR	GRAYSON	US 75	NH 2013(908)
PAR	HUNT	FM 1568	STP 2013(910)
PAR	RED RIVER	FM 410	STP 2014(033)
PHR	CAMERON	SH 100	STP 2014(023)
PHR	KENEDY	US 77	NH 2014(021)
PHR	STARR	US 83	NH 2014(019)
SAT	BEXAR	IH 35	BR 2013(757)
SAT	COMAL	IH 35	IM 0352(345)
SAT	FRIO	FM 140	STP 2014(017)
SAT	FRIO	IH 35	IM 0352(344)G
SAT	KERR	SH 16	STP 2014(016)
SAT	MEDINA	FM 462	STP 2014(018)
SAT	WILSON	US 181	STP 1302(005)G
TYL	HENDERSON	FM 59	STP 2013(819)
TYL	SMITH	SH 31	STP 2013(914)
TYL	SMITH	VA	STP 2014(034)
WAC	BELL	IH 35	IM 0354(241)
WAC	CORYELL	FM 183	STP 2014(012)HES
WAC	HAMILTON	US 281	STP 2014(010)
WAC	HAMILTON	US 281	STP 2014(011)
WFS	COOKE	FM 902	STP 2014(013)HES
WFS	WICHITA	SH 258	STP 2013(903)HES
YKM	VICTORIA	FM 447	STP 1302(043)
YKM	VICTORIA	US 77	STP 2014(040)
YKM	WHARTON	US 59	NH 2013(917)

**EMINENT DOMAIN
NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bowie	US 59	15	0217-01-031	2
Dawson	SH 349	7	0380-06-016	16,16E

**(CONTINUED) EMINENT DOMAIN
NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dawson	SH 349	13	0380-06-016	17
Harris	FM 1960	12	1685-01-096	1417
Harris	US 290	3	0050-08-090	808
Harris	US 290	2	0050-08-090	810
Harris	US 290	6	0050-08-090	807
Harris	US 290	1	0050-08-090	828
Harris	FM 1960	5	1685-01-096	1409
McLennan	FM 1637	14	0833-03-040	52
Rockwall	FM 740	11	1014-03-058	40
Rockwall	FM 740	10	1091-04-024	7
Travis	FM 973	8	1200-03-049	36
Travis	FM 973	9	1200-03-049	45
Travis	FM 973	4	1200-03-049	43

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	IH 35	U	0015-14-124	22AC
Denton	IH 35E	K	0196-02-109	5
Harris	FM 1960	B	1685-01-096	1419
Harris	FM1960	J	1685-01-096	1408
Harris	FM 1960	D	1685-01-096	1414
Harris	SH 99	N	3510-06-005	150
Harris	SH 99	O	3510-06-005	118
Harris	SH 99	Q	3510-06-005	151
Harris	SH 99	P	3510-06-005	105
Harris	SH 99	M	3510-06-006	205
Harris	SH 99	R	3510-06-006	391
Harris	SH 99	S	3510-06-006	202
Harris	SH 99	L	3510-06-006	367
Harris	US 290	H	0050-08-090	822
Harris	US 290	A	0050-08-090	805
Harris	US 290	I	0050-08-096	727
Harris	US 290	C	0050-08-096	730
Howard	US 87	F	0908-12-020	20
Travis	FM 973	E	1200-03-049	51
Travis	FM 973	T	1200-03-049	30AC
Travis	FM 973	G	1200-03-049	56

DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
AUS	WILLIAMSON	FPMC Austin Realty Partners, LP	Design and construction of a right turn lane on West Louis Henna Boulevard (SH 45 frontage road) for a new medical center development.
AUS	TRAVIS	Munson Park, Ltd	Design and construction to relocate an existing median opening on Loop 360 for a new office and hotel development.
AUS	HAYS	Woodlands of San Marcos, LLC	Design and construction of right turn lane on the north bound frontage road of I-35 for a new multi-family development.
BMT	JEFFERSON	Walmart Real Estate Business Trust	Design and construction of right turn lanes to two (2) driveways on SH 146 into the donor's development.
BRY	BRAZOS	Walmart Real Estate Business Trust	Design and construction of right turn deceleration lanes from southbound FM 2818 and westbound FM 1179 into the Walmart development.
CRP	NUECES	Conoco Phillips Company	Design and construction of an acceleration and deceleration lane on FM 792 into the new Conoco Phillips office site.
CRP	KARNES	Freeport-McMoRan Oil and Gas	Installation of various roadside flashing beacons in the vicinities of the driveways to the donor's facility.
HOU	MONTGOMERY	242,LLC	Design and construction of three right turn lanes and three left turn lanes along SH 242 between Oak Crest Drive and Concord Drive to access the 242 LLC development.

(CONTINUED) DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
HOU	GALVESTON	Grason Investments, LLC	Design and construction of three right turn lanes and two hooded left turn lanes along SH 96 to the donor's facility at Anders Lane.
HOU	GALVESTON	The Board of Regents of the University of Texas System	Design and construction of a right turn lane along I-45 to the donor's new Sportsplex development.
LAR	LASALLE	Lewis Energy Group	Sufficient funding to be used to pay the costs associated with the design and construction of three (3) flashing beacons in LaSalle County.
LAR	LASALLE	BHP Billiton Petroleum Properties	Design and construction of a deceleration lane on FM 624 to access the donor's proposed driveway located on FM 624, approximately 1.4 miles east of RM 474 in LaSalle County.
PAR	LAMAR	DBI Services	Reimbursement for food, travel, and lodging expenses for department employee to attend the Infrastructure Maintenance Symposium's 9th Annual Symposium Series for Senior Level Professionals.
SAT	MCMULLEN	BHP Billiton Petroleum Properties	Installation of various solar powered, roadside flashing beacon assemblies in the vicinities of the driveways to the donor's facility, the Hawkville North East Plant on SH 46.
SAT	COMAL	Lennar Homes of Texas Land and Construction, Ltd.	Design and construction of left and right-turn lanes for a new public street intersecting US 281 in Comal County within the City of Bulverde located approximately 2.0 miles North of FM 1863.

(CONTINUED) DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
SAT	GUADALUPE	WBW Development, Ltd	Design and construction of a left turn and shoulder widening for a new public street intersecting SH 123 in Guadalupe County within the City of Seguin located approximately 1.15 miles south of US 90.
SAT	BEXAR	Halliburton Energy Services, Inc.	Construction plans and an amount sufficient to cover all costs, including the state's direct and indirect costs associated with the widening of a section of Loop 1604 near I-37 in Bexar County.
YKM	VICTORIA	Pioneer Natural Resources USA, Inc.	Design, materials and construction of acceleration and deceleration lanes on US 77 in Victoria County.
YKM	MATAGORDA	Tenaris Bay City, Inc.	Design, materials and construction of an Asphalt Concrete Pavement overlay, backfill pavement edges and striping on FM 2540 to armor pavement structure.
BRG	NA	Precast/Prestressed Concrete Institute	Reimbursement for airfare, meals, and lodging expenses for department employees to attend the Precast/Prestressed Concrete Institute (PCI) Annual Convention and National Bridge Conference in Grapevine, Texas on September 22-24, 2013.
BRG	NA	Precast/Prestressed Concrete Institute	Registration fee for 53 department employees to attend the Precast/Prestressed Concrete Institute (PCI) Annual Convention and National Bridge Conference in Grapevine, Texas on September 22-24, 2013.

(CONTINUED) DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
TRF	NA	Ross Perot	Cash donation for costs associated with the fabrication and installation of two (2) honorary designation signs in accordance with House Bill 1534, 83 rd Legislature which designates the portion of US Highway 75 in Collin County as “Sam Johnson Highway”.